

## Message Text

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ACTION EUR-12

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ALL OTHER CANADIAN POSTS

C O N F I D E N T I A L OTTAWA 06788

EO 11652: GDS  
TAGS: PGOV, PINT, CA  
SUBJECT: LEVESQUE SCHOOL LANGUAGE PROPOSAL TO OTHER  
PREMIERS GIVES OTTAWA PROBLEMS

REF: QUEBEC 278

1. SUMMARY. QUEBEC PREMIER LEVESQUE'S PROPOSAL TO NEGOTIATE WITH OTHER PREMIERS EDUCATION LANGUAGE RIGHTS ELICITED NEGATIVE REACTION FROM PM TRUDEAU, WHO ASSERTED FEDERAL PREFERENCE FOR CONSTITUTIONAL CHANGE TO PROTECT MINORITY LINGUISTIC RIGHTS. REACTION OF PREMIERS HAS BEEN MIXED. MATTER WILL BE DISCUSSED AT AUG 18-19 PREMIERS' CONFERENCE IN NEW BRUNSWICK. TRUDEAU OPPOSITION TO LEVESQUE PROPOSAL PRESUMABLY BASED, IN PART, ON PRECEDENT IT COULD APPEAR TO SET FOR ASSOCIATION AGREEMENTS, AN IMPORTANT FACTOR IN INDEPENDENCE REFERENDUM, AND, IN PART, ON PROSPECT OF DISUNITY CAUSED BY RIGHTS PROTECTED IN SOME PROVINCES BUT NOT OTHERS, DEPENDING ON WHETHER AGREEMENTS MADE WITH QUEBEC. END SUMMARY.

2. QUEBEC PREMIER LEVESQUE'S JULY 21 LETTER TO OTHER PROVINCIAL PREMIERS REGARDING RECIPROCAL MINORITY SCHOOL  
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LANGUAGE RIGHTS (REFTEL) ELICITED PREDICTABLY NEGATIVE REACTION FROM PM TRUDEAU. SPEAKING IN COMMONS JULY 22, HE EMPHASIZED THAT FUNDAMENTAL QUESTION IS "THE RIGHTS OF THE LINGUISTIC MINORITIES" AND THAT THESE RIGHTS ARE MOST APPROPRIATELY PROTECTED BY CONSTITUTIONAL REVISION AND NOT NEGOTIATED BY PROVINCES AS BILATERAL MATTER. HE ADDED THAT SUCH A CONSTITUTIONAL PROPOSAL HAD BEEN MADE BY

FEDERAL GOVERNMENT TO PROVINCES AT VICTORIA IN 1971. TRUDEAU FORCEFULLY ASSERTED THAT SUBJECT "NOT A BARGAINING POINT FROM OUR POINT OF VIEW, THAT TWO PROVINCES COULD NEGOTIATE; IF YOU DO THIS, WE WILL DO THAT..." FEDERAL POSITION HAS BEEN SINCE VICTORIA "TO RECOGNIZE THESE RIGHTS AND ENTRENCH THEM IN THE CONSTITUTION. IT WAS NOT TO BARGAIN OVER THE HEADS OF THE KIDS IN THE SCHOOLS." CONFIDENTIAL

3. JULY 25, TRUDEAU EXPRESSED HOPE IN COMMONS THAT PREMIERS WOULD DISCUSS GENERAL MATTER AT UPCOMING PREMIERS' CONFERENCE AUG 18-19, BUT HE CAREFULLY DISCLAIMED ANY INTENTION OF TRYING TO INFLUENCE WHAT IS ON AGENDA OF MEETING, SINCE "PROVINCES ARE RATHER JEALOUS OF THEIR JURISDICTION IN AREA OF EDUCATION."

4. ACCORDING TO JULY 27 PRESS REPORT, REPRESENTATIVE OF NEW BRUNSWICK PREMIER HATFIELD, WHO WILL BE HOST OF PREMIERS' CONFERENCE, INDICATED MATTER WILL BE DISCUSSED AT CONFERENCE, WHETHER AS SPECIFIC AGENDA ITEM OR NOT. SAME PRESS REPORT NOTES, HOWEVER, THAT HATFIELD, IN TELEPHONE CONVERSATION WITH LEVESQUE, ASSERTED THAT NEW BRUNSWICK HAD ALREADY SECURED MINORITY RIGHTS IN ITS STATUTES AND HAD NO INTENTION OF NEGOTIATING ANY OF THEM. REPORT ADDS THAT NOVA SCOTIAN ACTING PREMIER NICHOLSON DESCRIBED LEVESQUE PROPOSAL AS "AN ELABORATE STUNT" AND CLAIMED THAT PROVINCIAL EDUCATION MINISTERS, RATHER THAN PREMIERS, SHOULD DISCUSS MATTER. CONFIDENTIAL

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5. ACCORDING TO OTHER MEDIA REPORTS, WITH EXCEPTION OF SASKATCHEWAN'S BLAKENEY AND MANITOBA'S SCHREYER, OTHER PREMIERS HAVE BEEN NONCOMMITTAL ON LEVESQUE PROPOSAL. BLAKENEY REPORTEDLY SAID HE IS "MORE THAN WILLING" TO DISCUSS THE PROPOSAL AND SCHREYER SAID, "I WOULD WELCOME SUCH A THING. IT MAY BE KEY TO PUTTING A LARGE PART OF THE PROBLEM IN QUEBEC TO REST. IT IS ONLY REALISTIC TO ASSUME THAT IF ENGLISH RIGHTS ARE GOING TO BE PROTECTED IN QUEBEC, THAT FRENCH RIGHTS MUST BE PROTECTED IN THE OTHER PROVINCES."

5. COMMENT: LEVESQUE PROPOSAL PRESENTS PM TRUDEAU AND FEDERAL GOVERNMENT WITH A QUANDARY. PROPOSAL, PER SE, IS NOT JUDICIALLY OBJECTIONABLE SINCE EDUCATION, UNDER CONSTITUTION, IS AN AREA OF PROVINCIAL JURISDICTION. ON OTHER HAND, PROVINCIAL AGREEMENT IN THIS MATTER COULD, AS INDICATED IN REFTTEL, BE VIEWED AS A MODEL FOR POST-INDEPENDENCE ASSOCIATION AGREEMENTS, EVEN ECONOMIC, WHICH SO IMPORTANT TO SUCCESS OF INDEPENDENCE REFERENDUM. FURTHERMORE, BILATERAL BARGAINING OF THIS SORT IS IMPLICITLY A THREAT TO NATIONAL UNITY WITH PROSPECT OF EDUCA-

TIONAL LINGUISTIC RIGHTS PROTECTED IN SOME PROVINCES,  
WHICH REACH AGREEMENT, BUT NOT IN OTHERS, WHICH DO NOT.  
ENDERS

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